COURT HOLDS THAT BUTLER MAY RACE RUNNERS THERE.

Appellate Division, Reversing Justice Mills. Says State Bacing Commission Has No Right to Deny License-Fight on This Point Has Been On for Three Years.

The Appellate Division of the Supreme Court in Brooklyn granted yesterday the application of the Empire City Trotting Association for a peremptory writ of mandamus compelling the State Racing Commission to issue to it a license for running races. The decision, in which four out of the five Justices concurred, reverses the decision of Justice Mills of the Supreme Court that the State Racing Commission had absolute discretion in the matter of granting licenses to racing associations, and that the wourts could not review.

The decision, handed down by Justice Woodward, ends the long fight made by James Butler, owner of the Empire City Trotting Association's track in Yonkers, for recognition by the Racing Commission. It probably means that there will be racing at Butler's track next fall while the Saratoga meet is on, though Mr. Butler has not announced his plans.

The case has been fought bitterly for three years, Fatler and his attorneys charging that the Jockey Club had established a system of boycott and terrorism with the consent of the Racing Commission, and that the Jockey Club had formed a racing

Col. Franklin Bartlett and Joseph Auerbach, counsel for the State Racing Commission, contended that the Legislature granted the State Racing Commission absolute power over the issuing of licenses, and that the courte had no right to review

and that the courts and no right to review or nullify this discretion.

Mr. Butler, who owns a string of grocery stores in this and nearby cities, bought the Empire City track from the estate of William H. Clark at one time Corporation Counsel. Mr. Clark built it as a trotting track and for nothing else, and was said to have expended about \$500,000 on the plant. After Mr. Clark's death one meet to have expended about \$^600,000 on the plant. After Mr. Clark's death one meet for running horses was held there, in 1900, for the benefit of the widow. It was at that meeting that Charentus broke the world's record for a mile and an eighth. The Empire City is a mile track located in the southern part of Yonkers near Dunwoodie. One of the objections to granting it a license was its comparative inaccessibility.

it a license was its comparative inaccessibility.

In 1:05 Mr. Buller applied first for a license under which to hold running races. August Belmont was chairman of the Racing Commission at that time, and the application was turned down. The application was made again the next year and again refused by the commission. This year, when the State Racing Commission was reorganized with James W. Wadsworth, John Sanford and Harry K. Knapp as members, Mr. Butler tried again, and again was denied the privilege he asked. Then he applied to Justice Mills in the Supreme Court at Yonkers for a peremptory writ of mandamus to compel the commission to grant the license.

mandamus to compel the commission to grant the license.

James Russell Soley represented Mr. Butler and the Empire City Trotting Association. His plea was for justice to the man who had purchased an expensive track and having fitted it up in compliance with the law believed that he had as good a right as the next man to race running horses.

horses.

The appeal to the Appellate Division in Brooklyn was before Presiding Justice Hirschberg, with Justices Jenks. Hooker. Woodward and Miller. The whole matter was threshed out there. The Court's opinion is stated in the opinion written by Justice Woodward, part of which is as follows.

When a power and a right is specifically given to an individual or a corporation, every incident to the enjoyment of that power and right must be granted by neces-Bary implication, unless the act itself deniess the same, for it is a rule of universal application that the greater contains the less. When we look into the act for any lessening of this power and right, where is it to be found? A license such as is contemplated by the statute is a permission to do something under regulations and not a prohibition. The provisions of the section clearly indicate this. It is provided that any corporation or association desiring to obtain the benefits of the provisions of section 3 of this act, if proposing to conduct a racecourse or race meeting for running races of steeplechases, may annually apply to the State Racing Commission for a license to enduct running races and race meetings or steeplechases and steeplechase meetings, as the case may be. If in the judgment of such commission a proper case for the issuance of such license is shown, it may grant such cense for a term of one year.

It is then provided that every such license

shall contain a provision that the running races, &c., shall be subject to the reasonable rules and regulations of the Jockey Club. a corporation organized under the laws of this State, and that the steeplechase meetings shall be subject to the reasonable rules and regulations of the National Steeplechase Association, and it is likewise pro-vided that any of these rules or regulations shall be liable to be abrogated or modified by the State Racing Commission on giving the two corporations an opportunity to be

It is entirely clear, therefore, that the licens-Ing provision was not intended to vest in the commission a power to prohibit the exercise of a power and right which was granted to the corporation, but a power to regulate the exercise of the power and right by means of the license brings the association within the contrel of the reasonable rules and regulations of the Jockey Club and the National Steeplechase Association, with a right on the part of the commission to modify or abrogate such rules. The discretion vested in the commissioners is not to take into consideration what powers and rights the corporation shall have-these are given by the statute itself. and vest upon the organization of the corpotion as provided-but to determine whether the corporation has complied with the prorisions of the statute and thereby become vested with the power and right to conduct the race meetings. If the commissioners already had the power

to determine upon the right of a corporation organized under this act to have a license it was obviously unnecessary to enact this provision. But the truth is the commission never had any discretionary powers in reference to a perporation properly organized; its judgment related purely to the sufficiency of the acts constituting the corporation, and not to considerations of public or private policy, such as the commission urges in the matter now The order appealed from should be reversed

and the prayer of the relator should be granted. It is likely that the State Racing Com-mission and the Jockey Club will not rest until the Court of Appeals finally decides the case. A steward of the Jockey Club

power in the matter of granting licenses. The commission does not even have to make public the cause for rejecting licenseapplications. The case will be appealed on this

INDICTED FOR GRAFTING.

With Taking Unlawful Fees.

Daniel Gillespie, until recently an in-

EMPIRE CITY TRACK WINS SUIT TO PROMOTE YOUNG SLEUTHS. Bingham Will Reward Men Taking Place of the Gold Shield Soldiers

Within a few days Commissioner Bingham will promote a batch of young sleuths who were sent to the Detective Bureau to replace the gold shield men who were transferred to precincts because of their "soldiering" propensities. Not long after the Bingham bill became a law the Commissioner started to clean out the bureau, and all the sleuths who had been having an easy time of it were sent away to precincts where they are getting a taste of real police work on the desk and on patrol. Their places were taken by young patrolmen and a few sergeants who had never enjoyed details but who showed detective ability.

As most of the former detective sergeants who now hold the rank of lieutenant are out of the bureau the Commissioner will be able to make first grade detectives of more than 100 youngsters and give them a salary of \$2,000 a year. The bill provides for 150 first grade sleuths, but there are still a number of gold shield men doing duty under Capt. McCafferty. Some of the detec-

tives to be advanced are getting only \$1,000 a year and less, not a few receiving \$800. Commissioner Bingham announced yesterday that he has abandoned hope of

terday that he has abandoned hope of getting 1,400 additional patrolmen for the present. He has had a talk with Mayor McClellan and the Comptroller, and they pointed out that a special bond issue would be necessary to increase the force.

Lieut. Frank Peabody of the Detective Bureau, who investigated the past of Mrs. Howard Gould, will be tried next Thursday before Deputy Commissioner Hansen. He will face charges of conduct unbecoming an officer, lying to a superior, officer and disobedience of orders. While the evidence against the detective is strongenough to break him, Commissioner Bingham would not say what the sentence may be. In some quarters it is believed that Peabody will be heavily fined and banished to a remote precinct to do patrol, while to a remote precinct to do patrol, while rumor has it around Police Headquarters that nothing can save him from being dismissed. In all probability, it was said yesterday, Peabody will plead guilty and

JACQUES BUSTANOBY ELOPES. foungest of the Restaurant Owners Marries a 17-Year-Old Girl.

Jacques Bustanoby, the youngest of the three brothers who own the Café des Beaux Arts, at Fortieth street and Sixth avenue, and the new Chateau des Beaux Arts at Huntington, L. I., and Miss Ruth Boyd were married on Monday by the Rev. Dr. Houghton at the Little Church Around the Corner. She is the seventeen-year-old daughter of Thomas Boyd and Mrs. Minnie Boyd, now Mrs. Frank Ray, wife of Frank Ray, a broker, living at 194 Riverside Drive. Neither the bride's parents nor the other Bustanoby brothers knew of the wedding in advance

Mrs. Ray announced the marriage of her daughter yesterday. The elopers went immediately in an automobile to the new Huntington place of the Bustanobys. where they are at present. Miss Boyd has known Jacques Bustanoby for more than two years, having met him through dinner parties given at the restaurant by Mrs. Ray. He asked the consent of Mrs. Ray to marry her daughter two weeks ago. Mrs. Hay was favorable to his suit, but wanted the wedding postponed, as

but wanted the wedding postponed, as she considered her daughter yet too young. Miss Boyd had recently left Miss Ely's school for girls at Greenwich. A two years trip abroad which the family had planned possibly hurried matters and the elopement followed.

Miss Boyd and her sister. Miss Ethel Boyd, left the house on Monday, as Mrs. Ray supposed, to take luncheon. Miss Ethel and another young woman were the only ones present at the wedding. Mr. Ray was at first displeased because of the suddenness of his stepdaughter's marriage, but is now agreeable to it, said Mrs. Ray yesterday.

The two elder Bustanoby brothers.
André and Louis, came from the Basque in France eighteen years ago to this country. Jacques, who is now 27 years old, fellowed seven years later. They come from good family and are university bred. They decided that there was less compesition in the restaurant business than in others and have worked themselves—always together—from the bottom of the business. for more than five years.

HAS A TRICK OF BITING PEOPLE. Rut, Who Did Six Months on That Charge, Is Up Again for Mayhem.

Meyer Rut, a carpenter, of 168 Monroe street, who recently served six months on the Island for biting his wife, was again a prisoner on the charge of mayhem yesterday, when he was taken before Magistrate Wahle in the Essex Market court. He was charged this time with biting his stepson. Israel Frackt, and his stepdaughter, Dora

On Thursday morning Rut went on the rampage. Entering his stepdaughter's room, he grabbed one of her hands as she lay asleep and bit the fingers severely. The girl's brother ran in at her cry and Rut grabbed him, biting him on the arm and tearing loose a ligament. Then he sprinted from the house.

Rut's mother lives across the street, and

when he did not return to his own home Frackt got a telescope and stood at his window watching for his stepfather. Finally he saw him in his mother's kitchen. got a policeman and had him arrested.
Rut is an exceedingly hairy man, with a
wavy, black pompodour and a goatee to
match. When he was placed within the

railing in the court room to began to pace back and forth like a caged animal. Frack was brought within the enclosure to make His presence so excited Rut that Frackt had to go to the other side of the room to finish his complaint. When arraigned Rut talked loudly and

when arraigned Rut talked loudly and incoherently and began to ry out "Six months on the Island." Magistrate Wahle, however, did not pass sentence, but put the case over for a further examination.

JURY OUT ALL NIGHT. Bagg (ase in the Federal Court Results in a Disagreement.

After deliberating 17 hours and 45 minutes the jury in the Bagg bribery case before Judge Hough in the Special Session of the Criminal Branch of the United States Circuit Court came in at 9:45 A. M. yesterday without agreeing on a verdict. The case went to the jury at 4 P. M. Thursday. The two defendants were released on bail of \$2,500 each to await a retrial.

\$2,500 each to await a retrial.
The case grew out of the peonage transactions involving the Florida East Coast Railway. The defendants, Stanley Bagg and William R. Smith, are charged with attempting to bribe Julius J. Kron, a special agent of the Department of Justice, to get the names and addresses of the witnesses who testified before the Federal Grand

ASSAULTED IN THE TOMBS.

Other Prisoners Attack Montlary for Squesling on One of Their Number.

Patrick Montlary came up vesterday before Judge McAvoy in General Sessions to be sentenced for receiving stolen goods. His head was bandaged.

"I served a term in the reformatory Brocklyn, was arrested yesterday on a bench warrant issued by Judge Fawcett of the County Court to answer to five indicterants for alleged official grafting. He is accused of having taken unlawful fees while acting as a building inspector at Coney Island from five Italian In borers.

Judge Fawcett fixed the bail at \$5.000. It is expected that indictments will be found against torm other subgrigates.

people."
Judge McAvoy remanded Montlary and
instructed Warden Flynn of the Tombs to ma's an investigation.

Grout Objects on the Ground That There Is Nothing to Show the Atlantic Company's Responsibility-Ahearn and McGowan in a Pist Shaking Match.

BOARD OF ESTIMATE ACTS FA-

VORABLY ON APPLICATION.

The Board of Estimate, sitting yesterday s a committee of the whole and with Mayor McClellan absent, adopted a resolution recommending the granting of the franchise which has been applied for by the Atlantic Telephone Company. The action taken yesterday was nothing more than a sug-gestion that the Board of Estimate should take up the application at next week's If it is then decided to grant the franchise the terms and conditions will be determined.

Before this action was taken a public hearing was held. Edward M. Grout, speaking for the New York Telephone Company, protested against the board taking action yesterday, inasmuch as the reports which had been called for by the board from the city's engineers as to the ability of the Altantic company to carry out its promises had not been received.

"For all we know at present," Mr. Grout said. "this company may be merely a stock jobbing concern without ability to live up to the laws which might be imposed in a franchise granted to it."

Martin W. Littleton, counsel for the Atlantic company, replied that the only question for the committee to decide was as to whether it would recommend the continuation of a menopoly and promised that in the event of the committee deciding in favor of the Atlantic company's application that company in the discussion of the terms of the grant would furnish the board with all the information needed to prove with all the information needed to prove

its reliability.
Although the action of the committee of the whole yesterday would seem to indicate that the Atlantic company has a chance of getting its franchise, there is doubt whether it will succeed. The company is seeking. as part of its application, the right to use the ducts of the Empire Subway Company, but it is contended by this company that the subways are now filled to their capacity. It is certain that any attempt to force the laying of the Atlantic company's wires in the conduits would lead to long drawn out

the conduits would lead to long drawn out litigation.

Borough President Ahearn and President McGowan of the Board of Aldermen made the meeting of the hoard lively for a few minutes by a row in which they shook their fists at each other. The squabble grew out of a proposal to raise the salary of an engineer who had been transferred from the office of President Coler of Brooklyn to that of Mr. Ahearn.

Mr. McGowan objected to the practice of enticing men from one office to another under the promise of a raise in salary.

"Who promised a larger salary in this case?" asked Mr. Ahearn.

"You did, you told me so yourself that you had offered a larger salary to this man to get him." replied Mr. McGowan.

"That is untrue, and you know it" shouted Ahearn.

"It is not untrue and if any one is telling an untruth it is yourself." retorted Mr. McGowan.

The incident ended by Mr Ahearn abruptly leaving the meeting to go out into the corridor for a few minutes to recover his breath

breath.

The board appropriated \$12,000 for a wall around the Queens county prison. The expenditure of the money was recommended by Comptroller Metz. "This wall is needed," he said, not so much to keep the prisoners in as to keep thieves out. The inmates of the Queens county prison have such a good time there that they never want to leave it, but the trouble is that insiders who have no right in the prison break in and steal the grub out of the kitchens." Mr. Metz's argument so tickled the board that the appropriation was immediately granted. diately granted

THE SEAGOERS.

Senator and Mrs. Depew Among To-day's Outgoing Passengers.

Sailing to-day by the American liner St. Louis, for Plymouth. Cherbourg and Southampton:

Charles Albert They have owned the Café des Beaux Arts Mr. and Mrs. Chauncey M. Depew, Edward Biddle Clay, the Hon, and Mrs. Philip Campbell, Mr. and Mrs. Thomas M. Dougherty, Miss Marie Dressler, Mrs. Victoria Godwin-Guest, Alfred O. Hewitt, Dr. and W. Harlan, Mr. and Mrs. George Lander, Mrs. Grace Ives Lincoln, L. M. Mait land, Col. J. A. Moss, Charles P. Norcross, Mr. and Mrs. M. H. Nordlinger, Mrs. A. S. Worthington and Mrs. Samuel H. Shepley.

Voyagers by the Red Star liner Finland. for Dover and Antwerp:

Capt. and Mrs. A. F. Lucas, Mrs. J. West Roosevelt, Mrs. J. Alison Scott, Mrs. Robert Shaw Oliver, Dr. and Mrs. W. Z. Holliday, Mr. and Mrs. William H. Haldane, Mr. and Mrs. Paul H. Gaither, H. H. Coston, Mr. and Mrs. J. T. Dewar, Miss Viola W. Allen and Douglas Graham Macfarlane.

Aboard the Cunarder Campania, off to-day for Queenstown and Liverpool: Mr. and Mrs. T. C. Coleman, Mrs. William Laimbeer, J. J. Lantry, Prof. and Mrs. Robert . Hatch, Mr. and Mrs. Tirso Mesa, Mr. and Irs. James Lowell Putnam, Mr. and Mrs. Mrs. James Lowell Putnam, Mr. Herbort G. Wylle and Mrs. Clifford Johnson. La Proven e. for Havre:

Mr. and Mrs. Gari Melchers, Countess de Moltke Huitfeldt, Mrs. Cuthbert Mills, Mr and Mrs. Harry F. Morse, Howard Landon Mr. and Mrs. A. W. Horton, Sidney J. Finlay Harrison Fisher, Mr. and Mrs. John M. Dorrance, Mrs. Champ S. Vance, Mrs. W. H. Aldrich and Mrs. William H. Armstrong. Passengers by the Atlantic Transport liner Minnehaha, for London:

Mr. and Mrs. George Robert Elder, Leander Chamberlain, Capt. and Mrs. J. A. Coke Mrs. Fremont Cole, Mr. and Mrs. Walter Durand, Mr. and Mrs. David Van Alstyne, Mr. and Mrs. John K. Whiting and Mr. and Mrs. B. C. Whitney.

Sailing to-morrow by the North German Lloyd steamship Koenigen Luise, for the Mediterranean: Mr. and Mrs. H. J. Alexander, Prof. and Mrs. George Griffin Brownell, Dr. and Mrs. R. H. P. Ellis, Col. Henry Gimpel, William John Long, the Hon. Frederic Storm, Mr. and

Mrs. David G. Weems and Dr. and Mrs. Cassius Rogers. Passengers by the Anchor liner Caledonia for Glasgow:
Mr. and Mrs. Clifton Crawford, James C Curtis, Henry Smith Young, the Rev. Dr. and Mrs. G. T. Dowling and Mr. and Mrs.

Robert T. Weir. By the Hamburg-American liner Patricia. Plymouth, Cherbourg and Hamburg: Robert Bruce Pegram, Mr. and Mrs. H. Austin Tuttle, Mr. and Mrs. W. F. Cooper, A. H. Brainard, Mr. and Mrs. Paul Richter and Edwards B. Murray.

WON'T ENJOIN BROADWAY CUT When Any Kind of a Subway is in the Air. as at Present

Justice Truax, in the Supreme Court denied yesterday the application of W. S. Sloane, Lord & Taylor, and other Broadway firms for an injunction to restrain the Board of Rapid Transit Commissioners from letting contracts or opening bids for the construction of the Broadway section of the proposed Lexington avenue subway. The objection raised by the storekeepers was that it was proposed to dig the subway by the open cut system, which, they said, would seriously interfere with traffic and

business.
When bids were called for by the Rapid Transit board, none was presented, and Justice Truax says that in view of this the question raised by the merchants is purely academic. Leave is granted to renew the application should bids be advertised for again.

CHANCE FOR NEW TELEPHONE STATE AND C. S. COURTS CLASH. Missouri Invokes Former and Raliways

the Latter in Rate Case. JEFFERSON CITY, Mo., June 14 .- Attorney-

General Hadley, who arrived home late this afternoon from St. Louis, where last evening he got a restraining order from Circuit Judge Reynolds against eighteen trunk lines of railroads, prohibiting them from resisting the two cent passenger rate law, the new maximum freight rate law and the law requiring the roads to supply shippers of live stock with transportation, went to Kansas City to-night to attend the hearing before Judge Smith McPherson in the Federal Court, which is set for 2 P. M. to-morrow.

The situation raises a question as to jurisdiction between the Federal and the State courts and the priority of the injunction proceedings in each. Much will depend on the decision of Judge

McPherson at Kansas City to-morrow. Should he decide that the roads have the right to file a supplemental bill in the old maximum freight law proceedings it will of course be a blow to the State's contention. Mr. Hadley made the following statement to-night:

"On June 11 a notice was served upon me that to-day at 10 o'clock the railroads would ask for a temporary injunction restraining the railroad board and myself from enforcing the maximum freight law passed by the last Legislature, the two cent passenger bill and the stock pass

law.

"When I learned yesterday afternoon in St. Louis that the attorneys for the railroads had gone before Federal Judge McPherson asking for some order in violation of the terms of their notice I secured reatraining orders from the State Circuit Court to prevent violations of the laws by railroads."

MRS. BETSY HEAD DEAD.

G. C. Taylor's Wealthy Housekeeper Disewned Daughter Who Married Coachman. IsLIP, L. I., June 14.-Mrs. Betsy Head, one of the best known women on this end of Long Island and who for the last ten years had been housekeeper on the immense estate of George C. Taylor, died here to-day from a complication of diseases. She had been ill for the last year, but her death was not expected.

Mr. Taylor, who is now nearly 80 years old, is the son of the late Moses Taylor, who was a wealthy New York merchant Mr. Taylor is said to be worth about \$30,-000,000. His estate runs from the village here clear to the water, covering thousands

of acres.

Some years ago he went to Europe for his health, and when he returned he installed Mrs. Head as housekeeper. She had been brought over from England by him, together with her daughter, Lena, who was then about 12 years old.

him, together with her daughter, Lena, who was then about 12 years old.

Mother and daughter remained at the Taylor mansion here until about three years ago, when the girl married William Frederick Bodily, Taylor's coachman. So incensed was her mother at this marriage that she disowned the girl, and Mr. Taylor also said that she would never get any of his money. Bodily was discharged by Mr. Taylor, as was another, employee who acted as one of the witnesses at the marriage. Bodily and his wife left here and are said to be living on the estate of Alfred Vanderbilt at Great Neck, where Bodily is employed as foreman.

employed as foreman.

Mrs. Head owned much property in her own name, and the village folk are wondering what action will be taken by the daughter to get the property. She is the only child.

BLACK HAND IN NEW ORLEANS. Indignation Over the Kidnapping of a Child

Growing-Eight Italians in Jali. NEW ORLEANS, June 14 .- The investigation over the Black Hand threats and outrages, culminating in the kidnapping of the child Walter Lamana on Saturday night and the threat to kill him unless the father and the threat to kill him unless the father would give up \$6,000, has steadily grown since the mass meeting of last Wednesday.

Encouraged by the assurances of protection which they have received from New Orleans generally, members of the Italian colony have begun to talk and as a result eight men have been arrested since Wednesday's meeting. The police are confident that these arrests will clear up the case. Antonio Costa, the most important man taken, was found this morning in hiding in a house on the outskirts of the city.

taken, was found this morning in hiding in a house on the outskirts of the city. He begged not to be lynched and when locked up in jail beat his head against the bars until the blood ran down his face.

Gov. Blanchard arrived in the city this evening and was visited by the Italian Consul, who begged that the State would be such action as would prevent a lynch-Consul, who begged that the State would take such action as would prevent a lynching of the Italian prisoners like that which occurred in 1391 and created a serious situation between this country and Italy. The prisoners and all the suspected Italians are in great fear that there will be an outbreak, but there is no reason to believe that the police cannot preserve order. lieve that the police cannot preserve order. The Italians themselves are talking loudest about violence. The prisoners are kept in separate police stations.

SOUTHERN COTTON MEN CONFER. Opposed to the Rules of the New York Cotton Exchange.

ASHESTILE N. C. June 14 - A conference between representatives of the Cotton Manufacturers' Association, the Southeastern Cotton Buyers' Association and the South Carolina Cotton Manufacturers' Association was held here to-day for the Association was held here to-day for the purpose of conferring on the following important subjects: Shall the mills pay 3 per cent. tariff on compressed cotton; shall they accept bills of lading which do not give car numbers and initials, and shall they accept the New York Cotton Exchange arbitration in trades?

These subjects were also brought before the South Carolina Cotton Growers' Association in convention here. The joint committee agreed that car numbers and

sociation in convention here. The joint committee agreed that car numbers and initials shall show on all bills of lading, and so notified the Southeastern Buyers' Association. There was no difficulty in reaching an agreement on the other matters, such as tare and the New York arbitration rules. The South Carolina Association agreed that on cotton from the South to South Carolina there should be a tare of three pounds per bale. The members of the association expressed themselves as opposed to the arbitrary rules of the New York Cotton Exchange.

FIND DAUGHTER CREMATED

And Son Perhaps Fatally Burned-Parents Had Locked Children in the House. WHITE PLAINS, N. Y., June 14 .- To make sure that their two little children would not wander away or be kidnapped in their absence William Broadhurst, a wealthy farmer of Poundridge, and his wife locked

farmer of Poundridge, and his wife locked them in their home while they drove to the village. When they returned home this evaning they found their house in ashes. Their one-year-old daughter had been burned to death and her three-year-old brother had been so badly burned it is expected that he too will die.

From the position of the bodies it is believed that the little boy tried to drag his sister to a window when both were overcome. Neighbors attracted by the fire broke into the burning house and managed to get the boy out. His little sister's body was burned to a crisp.

The Coroner believes that the children were playing "keeping house" and started the fire while handling matches.

Weman Held for Strangling Baby. Josephine Borra was acquitted by a Coroposephine Borra was acquitted by a Coroner's jury on Thursday of the charge of being responsible for the death of a new born child. She was arrested yesterday on the complaint of the District Attorney's office. The Coroner's physician said that the child was killed by strangulation. She was locked up in the Tombs, Megistrate Moss holding her without bail. IN OUR NEW YORK AND BROOKLYN STORES:

Summer Suits for Men Special at \$14.50

Former Prices, \$20.00, \$23,00 and \$25.00

The incentive is big enough-pricereductions that average one-third. The greater incentive is in the high character of the garments-the fine tailoring, the good fabrics and the vigorous styles.

Radical and conservative models, fashioned of unfinished worsted mixtures, gray serges, blue serges and black cheviots, half lined with mohair.

IN OUR NEW YORK STORES ONLY

A Sale of Suits for Boys Formerly \$7.00 and \$8.00 at \$5.75

Norfolk and Sack Models fashioned of unfinished worsted mixtures, blue serges and black or blue cheviots. Sizes 8 to 16 years.

Smith, Gray & Co.

Broadway & Warren Street. NEW YORK, Broadway & 31st Street. Breadway & Bedford Ave., BROOKLYN, Fulton St. & Flatbush Av.

OVER 300 STYLES

Of this season's materials-Coat and Trousers-built to measure, \$17. 1/3 of this lot formerly sold \$25 to \$35. They will be beautifully tailored in the latest

Samples sent to any address.

ARNHEIM,

Broadway and Ninth Street.

REBUKESTHEPOLICESTEERERS WHITMAN WILL HAVE NO MORE

FUNNY WORK IN HIS COURT. Blueceats Who Stand In With Lawyers and Get Part of Their Fees Ordered to Keep

Out of the "Hall of Dark Scerets' -Another Crusade on the East Side. Magistrate Whitman, sitting in the Yorkville police court, was greatly aroused yesterday by the doings in the "Hall of the Dark Secrets," as the corridor leading from the court to the prisoners' pen has been named. Lawyers and policemen seemed to be busy there in arranging matters

satisfactory to themselves if not to the

prisoners. Reports had reached the Magistrate that there was a great deal of steering done in that corridor, which was supposed to be used only by policemen in taking prisoners from the pen to be arraigned in court, and he had issued orders that all persons having no business there should be kept out. It was observed that policemen, after putting their prisoners in the pen, often went in search of certain lawyers and had a talk with them. When the prisoner would be brought up before the court clerk who was drawing up the complaint that lawyer would be right there on the job The lawyers make no secret of the fact that they divide their

fees with the steering policemen. Magistrate Whitman was disposing of a long line of prisoners yesterday when he noticed lawyers and precinct policemen

dodging in and out of the corridor. "I want persons kept out of that hall," ordered the Magistrate, who interrupted the examination he was holding. "Where is the lieutenant? Tell him I want him." One of the court equad notified Lieut.

Bingham.

"Lieutenant, I have ordered that the "Lieutenant, I have ordered that the corridor there be kept free of all persons who have no right to be there," said the Court with considerable emphasis. "I again give those orders and if you will not carry them out I shall report the matter to Police Commissioner Bingham."

The lieutenant hurried to the hallway and drop out three lawyers and half a

and drove out three lawyers and half a dozen plain clothes policemen who were in conference there. The lieutenant him-self stood guard at the door after that and saw that the Magistrate's orders were The police showed a good deal of curiosity resterday concerning a man who sat near Magistrate Whitman and who took copious

Magistrate writtman and who took copious notes of all cases in which street women and inmates of disorderly houses were arraigned. It became known that this man was a representative of the committee of fourteen which is gathering material in reference to the police and disorderly women. disorderly women.

A number of clergymen on the East Side flave recently complained that social conditions in the district bounded by East

conditions in the district bounded by East Houston street, the Bowery. Third street and First evenue were deplorable On evidence gathered by young men em-ployed by the police Magistrate Whitman issued warrants for six houses within this Some of those who complained about conditions there were the Rev. Father Reilly of the Church of the Nativity in Second avenue, the Rev. Dr. Kimber of St. Augustine's Episcopal Church in East Houston street, Dr. Hamilton of the University Sattlement and the pastors of severality Sattlement and the pastors of severality.

versity Settlement and the pastors of sevreal church iniesions.

Eighteen men and women were gathered in by Capt. Shaw of the Fifth street station as a result of the warrants and they were in court yesterday. Their examination went over until to-day.

CANFIELD PAYS UP.

Gives Lawyer Delahunty \$18,000 for His Legal Services. Edmund L. Mooney, counsel for Lawyer

John Delahunty in the latter's litigation against Richard A. Canfield, announced yesterday that Canfield had decided to pay the \$18,000 judgment that Delahunty got against him. The money was paid er yesterday and the judgment satisfied. Delahunty asked for \$65,000 in all, half for services and half on a contract for the collection of \$130,000 on three promissory notes of \$100,000 made in Canfield's favor notes of \$100,000 made in Canfield's favor by a youth who gambled in one of Canfield's houses. Against this claim Delahunty allowed offsets amounting to \$19,500 and he got a verdict for the full amount of the balance. The trial disclosed that Canfield had entrusted Delahunty with the manage-ment of all his affairs, including the safe-guarding of nearly \$1,000,000 in cash and securities, after Jerome closed Canfield's Forty-fourth street place by a sensational raid.

The Appellate Division reduced the verdict to about \$19,500, and from this amount certain items were allowed by Delahunty, so that Canfield got off by the payment of early \$18,000 cash.



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Jardin de Paris A-top New York & Criterion Theatres
BAZIE. 4 MORTONS, FRED KARNO CO.
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THE LONDON EM PIRE MODELS.
Every Eve. 5:20. Res. Sevis, \$1.30. Promenade, \$1.
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OSTOUK'S Arena, Coney Island. Indra, the Royal Stored White Elephant. 12 Great Animal Acts. Dreamland free on a Bostock Ticket. George Burnham, Jr., Restored to the Bar.

The Appellate Division of the Supreme Court granted yesterday the application of George Burnham, Jr., the Mutual Reserve lawyer, to be restored to the bar. Burnham was disbarred shortly after his conviction of grand larceny last December. Burnham's conviction was reversed two weeks ago and the Appellate Division's opinion in the case practically exonerated him from any criminal liability. In view of the court's action in restoring Burnham to practice it is doubtful if he will ever be tried again.

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Te-night WILLIAM COLLIER CAUGHT IN THE RAIN HUDSON 44th St., E. of B'way. Eves. 6:15 LAST TWO TIMES TO DAY. EDW'D BREWSTER'S MILLIONS WEEK THE LION AND MOUSE SEAS LYCEUM B'way & 45th. At 8.20.

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AMUSEMENTS.

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SAVOY Sith St. & B'way. Eves. 8:15. MAN OF THE HOUR By George

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HIS HONOR THE MAYOR HARRY KELLY

A LHAMBRADAILY William Courtle Eddle Leonard Bros. Dunedin 7th Ave. & 126th St. GOLDEN CITY

faid yesterday afternoon:
"An amendment of the Percy-Gray law
gave the State Racing Commission abso-

Breeklyn Ex-Building Inspector Charged spector in the Building Department in he said when questioned, "and the other

found against tors other subordinates in the Building Dena, tuent